IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 10303 of 2007(B)

PETITIONER:

KURIEN E.KALATHIL,HIMAL HYDRO AND \
GENERAL CONSTRUCTION LTD,NEPAL,AND BOVING FOURESS
LIMITED CONSORTIUM REPRESENTED BY ITS LEADER
KURIEN E.KALATHIL,TC 14/1004,VAZHUTHACADU,
THIRUVANANTHAPURAM- 695 010.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY VYDYUTHIBHAVANAM,
PATTOM PALACE P.O,THIRUVANANTHAPURAM.

2. CHIEF ENGINEER (CIVIL CONSTRUCTION),
KERALA STATE ELECTRICITY BOARD,VYDYUTHIBHAVANAM,
GANDHI ROAD,KOZHIKODE.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
SC FOR KSEB SRI. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITOINER'S EXHIBITS

EXT.P1- TRUE COPY OF THE TENDER NOTICE PUBLISHED BY THE SECOND RESPONDENT

EXT.P2- TRUE COPY OF THE LETTER ACCOMPANYOING THE PRE QUALIFICATION BID DATED 8.2.06

EXT.P3- TRUE COPY OF THE LETTER OF THE SECOND RESPONDENT DATED 10.7.06

EXT.P4- TRUE COPY OF THE SUBMISSION MADE BY THE PETITIONER TO THE SECOND RESPONDENT ON 26.7.06

EXT.P5- TRUE COPY OF THE COMMUNICATION DATED 20.11.06 FROM THE SECOND RESPONDENT TO THE PETITOINER

EXT.P6- TRUE COPY OF OHTE TELEGRAM SENT ON 3.1.07 BY THE PETITOINER

EXT.P7- TRUE COPY OF THE LETTER RECEIVED BY SATHISH PRABHU DATED 30.10.06

EXT.P8- TRUE COPY OF THE REPRESENTATION DATED 25.1.07 SENT BY PETITIONER TO THE CHAIRMAN OF ELECTRICITY BOARD.

EXT.P9- TRUE COOPY OF THE COMMON JUDGMENT DATED 2.4.98 IN O.P.283 OF 1995 AND O.P.10759 OF 1997

EXT.P10 - TRUE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT OF INDIA DATED 19.7.00

EXT.P11- TRUE COPY OF THE JUDGMENT OF THE BON'BLE SUPREME COURT DATED 7.12.00 ON THE REVIEW PETITION

EXT.P12- TRUE COPY OF THE ORDER OF THE HON'BLE SUPREME COURT DATED 19.2.01 DISMISSING THE PETITIONER FOR CLARIFICATION.

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C).10303/2007

Dated this the 29th day of November, 2007

JUDGMENT

On account of the subsequent developments, writ petition has become infructuous.

2. However, petitioner is anxious about paragraph 4 of Ext.P7 dated 30.12.2006. According to him, finding in paragraph 4 could cause prejudice to the petitioner in future. Now that the writ petition itself is being closed, I need only clarify if the finding in paragraph 4 of Ext.P7 is made use of against the petitioner it will be open to question the same.

Writ petition is accordingly closed.

ANTONY DOMINIC
Judge

mrcs